

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re: R & G ENTERPRISES, L.L.C., Debtor.	Chapter 11 Case No. 11-40439-659 #21, #22 2/7
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**ORDER GRANTING FOLLMAN NORTHLINE, LLC RELIEF FROM THE
AUTOMATIC STAY OF 11 U.S.C. § 362**

The Emergency Motion for Order Confirming That Automatic Stay Does Not Apply or For Relief From Automatic Stay (the “Motion”), the Motion for Expedited Hearing filed on behalf of Follman Northline, LLC (“Follman”), and the Motion to Dismiss and the Motion for Expedited Hearing filed by R & G Enterprises, LLC (the “Debtor”) are presented for hearing pursuant to notice. Sufficient notice of the motions has been given. The parties appear by counsel. Based on the pleadings, the arguments of counsel and the record as a whole, the Court finds as follows:

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2) and a contested matter under Federal Rules of Bankruptcy Procedure 9014.
2. Venue of this proceeding in this District is proper under 28 U.S.C. §§ 1408 and 1409.
3. Debtor filed its voluntary petition for relief under chapter 11 of the United States Bankruptcy Code on January 18, 2011 (the “Petition Date”), on the eve of the trial of a rent and possession action against Debtor in the Circuit Court of St. Louis County, in the case of *Follman Northline, LLC v. R & G Enterprises, L.L.C., d/b/a San Luis Tortilla Co.*, et al, Case

No. 10SL-AC36733 (the “State Eviction Case”), the subject of which is property located at 11722 Northline Industrial Drive, Maryland Heights, MO 63146 (the “Property”).

4. Follman is the owner of the Property. Follman and Debtor were parties to that certain Lease dated August 3, 2007 (“the Lease”), pursuant to which Follman had leased the Property to Debtor.

5. The Lease was terminated prior to the Petition Date.

6. Debtor remains in possession of the Property and operates a tortilla manufacturing business at the Property.

7. Cause exists to grant in part the motions filed by Follman and to deny the motions filed by Debtor.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
AS FOLLOWS:**

1. The Motion filed by Debtor for Expedited Hearing is GRANTED, and the Motion to Dismiss filed by Debtor is DENIED; and,

2. The Motion filed by Follman for Expedited Hearing is GRANTED and the Motion for Order Confirming That Automatic Stay Does Not Apply or For Relief From Automatic Stay filed by Follman is GRANTED IN PART and DENIED IN PART, without prejudice; and,


3. For good cause shown, the automatic stay of 11 U.S.C. § 362 is modified immediately upon entry of this Order with respect to the Property to allow Follman to pursue the State Eviction Case for rent and possession against R & G Enterprises, LLC, to obtain a monetary judgment against R & G Enterprises, LLC, and to pursue all of its remedies, rights and causes of action against R & G Enterprises, LLC for obtaining possession of the Property as provided by Missouri law; provided however, that the stay remains in effect with respect to efforts to collect any monetary award that may be entered against Debtor; and,

4. The terms of this Order are binding upon the Debtor, any successor Chapter 11 Trustee, any successor Chapter 7 Trustee, or any other party that succeeds to the Debtor's interest in the Property by operation of law or otherwise; and,

5. The stay of this Order as provided for under Bankruptcy Rule 4001(a)(3) is waived, and this Order is effective upon entry by the Court; and,

6. All other relief requested in the Motion is denied without prejudice.

SO ORDERED


KATHY A. SURRATT-STATES
U.S. Bankruptcy Judge

DATED: February 11, 2011
St. Louis, Missouri
LBK

Order prepared by:

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Parties to be served with copy of this Order:

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